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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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GROSS, KENNETH A

ART UNIT	PAPER NUMBER
2122	6

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/714,323	AMRO ET AL.
	Examiner	Art Unit
	Kenneth A Gross	2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-32 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-32 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 8, 10, 17, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reha et al. (U.S. Patent Number 6,282,709) in view of Imai et al (U.S. Patent Number 5,978,590).

In regard to Claim 1, Reha teaches: (a) displaying on a display of the computer system an icon (Figure 4, item 44); (b) selecting the icon (Column 9, lines 53-55); (c) responsive to selection....boot facility (Column 9, lines 55-59 and lines 10-13). Reha teaches downloading and installing on the computer system a software product, but does not teach providing to the Internet boot facility an ID number identifying the computer system to the internet boot facility, and that the software product is associated with the ID number. Imai, however, does teach providing a computer ID number, and that the ID number identifies products to be downloaded to the client machine (Column 1, lines 57-67 and Column 2, lines 1-7). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to display a icon, select the icon, access an internet boot facility, and download and install a software product as taught by Reha, where an ID number is provided to the internet boot facility and the ID number is associated with the software product downloaded as taught by Imai, since this allows customized

downloading of software products based on a customer ID. Claims 10, 31, and 32 correspond directly with Claim 1 and are rejected for the same reasons as Claim 1.

In regard to Claim 2, Reha teaches the 'update' button, which is associated with the software products listed in the 'software components update list box' in Figure 4, in that the update button downloads and installs the software components selected in the 'software components update list box'. Rhea teaches the software product downloaded to an installed on the computer system comprises the associated software product (Column 9, lines 53-59). Claim 11 corresponds directly with Claim 2 and is rejected for the same reasons as Claim 2.

In regard to Claim 8, the examiner takes official notice that a manufacturer of a computer system often sets up internet boot facilities in order to provide customers of the computer system needed updates of software and hardware components existing on the computer system. Claim 17 corresponds directly with Claim 8 and is rejected for the same reasons as Claim 8.

3. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reha et al. (U.S. Patent Number 6,282,709) in view of Imai et al (U.S. Patent Number 5,978,590) and further in view of Cheng et al. (U.S. Patent Number 6,151,643).

In regard to Claim 4, Reha and Imai teach the method of Claim 2, but do not teach that the software product was not previously purchased, and further prompting the user to provide payment information to purchase the associated software product. Cheng, however, does teach this transaction (Column 8, lines 44-54). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 2 as taught by Reha and Imai, where the software product was not previously purchased, and further prompting the user to provide payment information to purchase the associated software product,

as taught by Cheng, since this allows for easy and effective procurement of software. Claim 13 corresponds directly with Claim 4 and is rejected for the same reasons as Claim 4.

4. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reha et al. (U.S. Patent Number 6,282,709) in view of Imai et al (U.S. Patent Number 5,978,590) and further in view of "Mastering Windows 98" by Robert Cowart (hereinafter Cowert).

In regard to Claim 5, Reha and Imai teach the method of Claim 1, but do not teach "prior to the downloading.... associated with the ID number" and "responsive to the selection.... one of the listed software products". Cowart, however, does teach displaying a webpage comprising a list of software products, and responsive to selection of one of the listed software products, downloading and installing on the computer system one of the software products. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 1, as taught by Reha and Imai, where a webpage is displayed comprising a list of software products, and responsive to selection of one of the listed software products, downloading and installing on the computer system one of the software products, since this allows for easy selection and downloading of software products. Claim 14 corresponds directly with Claim 5 and is rejected for the same reasons as Claim 5.

5. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reha et al. (U.S. Patent Number 6,282,709) in view of Imai et al (U.S. Patent Number 5,978,590) and further in view of "Mastering Windows 98" by Robert Cowart (hereinafter Cowart) and Cheng et al. (U.S. Patent Number 6,151,643).

In regard to Claim 7, Reha, Imai, and Cowart teach the method of Claim 5, but do not teach that the software product was not previously purchased, and further prompting the user to

provide payment information to purchase the associated software product. Cheng, however, does teach this transaction (Column 8, lines 44-54). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 5 as taught by Reha, Imai, and Cowart, where the software product was not previously purchased, and further prompting the user to provide payment information to purchase the associated software product, as taught by Cheng, since this allows for easy and effective procurement of software. Claim 16 corresponds directly with Claim 7 and is rejected for the same reasons as Claim 7.

6. Claims 3, 9, 12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reha et al. (U.S. Patent Number 6,282,709) in view of Imai et al (U.S. Patent Number 5,978,590) and further in view of Fritsch (U.S. Patent Number 6,247,130).

In regard to Claim 3, Reha and Imai teach the method of Claim 2, but do not teach that the software product was previously purchased in connection with the computer system. Fritsch, however, does teach downloading a previously purchased file on to a computer system (Column 6, lines 62-67 and Column 7, lines 1-7). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 2, as taught by Rhea and Imai, where the software product was previously purchased in connection with the computer system, as taught by Fritsch, since this allows customers to download a software product at their convenience on a web site, where they previously paid for the software product. Claim 12 corresponds directly with Claim 3, and is rejected for the same reasons as Claim 3.

In regard to Claim 9, Fritsch teaches downloading a previously purchased file on to a computer system (Column 6, lines 62-67 and Column 7, lines 1-7). It would be obvious to download all the files purchased previously, since it is a necessary part of a transaction to receive

the goods purchased. If a customer buys a few different softwares, the customer would want to receive all software. Claim 18 corresponds directly with Claim 9 and is rejected for the same reasons as Claim 9.

7. Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reha et al. (U.S. Patent Number 6,282,709) in view of Imai et al (U.S. Patent Number 5,978,590) and further in view of of "Mastering Windows 98" by Robert Cowart (hereinafter Cowart) and Fritsch (U.S. Patent Number 6,247,130).

Claims 6 and 15 correspond directly with Claim 3 and are rejected for the same reasons as Claim 3.

8. Claims 19, 24, 25, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reha et al. (U.S. Patent Number 6,282,709) in view of Craig et al. (U.S. Patent Number 6,266,809) and further in view of Imai et al. (U.S. Patent Number 5,978,590).

In regard to Claim 19, Reha teaches accessing a website comprising an Internet boot facility (Column 9, lines 55-59 and lines 10-13), but does not teach that this accessing is done on boot-up of the computer. Criag, however, does teach installing software on start up of a computer system (Column 8, lines 10-14). Neither Reha nor Craig teach "providing...an ID number...to the Internet boot facility" or "downloading...at least one software product...associated with the ID number". Imai, however, does teach providing a computer ID number, and that the ID number identifies products to be downloaded to the client machine (Column 1, lines 57-67 and Column 2, lines 1-7). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to access a website comprising an internet boot facility as taught by Reha, where the accessing is done at start up, as taught by Craig, where an ID number is

provided to the internet boot facility and the ID number is associated with the software product downloaded as taught by Imai, since this allows customized downloading of software products based on a customer ID. Claim 25 corresponds with Claim 19 and is rejected for the same reasons as Claim 19.

Claims 24 and 30 correspond directly with Claim 8, and are rejected for the same reasons as Claim 8.

9. Claims 20 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reha et al. (U.S. Patent Number 6,282,709) in view of Craig et al. (U.S. Patent Number 6,266,809) and further in view of Imai et al (U.S. Patent Number 5,978,590) and Fritsch (U.S. Patent Number 6,247,130).

Claims 20 and 26 correspond directly with Claim 18 and are rejected for the same reasons as Claim 18.

10. Claims 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reha et al. (U.S. Patent Number 6,282,709) in view of Craig et al. (U.S. Patent Number 6,266,809) and further in view of Imai et al (U.S. Patent Number 5,978,590) and "Mastering Windows 98" by Robert Cowart (hereinafter Cowart).

Claims 21 and 27 correspond directly with Claim 5, and are rejected for the same reasons as Claim 5.

11. Claims 22 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reha et al. (U.S. Patent Number 6,282,709) in view of Craig et al. (U.S. Patent Number 6,266,809) and further in view of Imai et al (U.S. Patent Number 5,978,590) and "Mastering Windows 98" by Robert Cowart (hereinafter Cowart) and Fritsch (U.S. Patent Number 6,247,130).

Claims 22 and 28 correspond directly with Claim 6, and are rejected for the same reasons as Claim 6.

12. Claims 23 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reha et al. (U.S. Patent Number 6,282,709) in view of Craig et al. (U.S. Patent Number 6,266,809) and further in view of Imai et al (U.S. Patent Number 5,978,590) and "Mastering Windows 98" by Robert Cowart (hereinafter Cowart) and Cheng et al. (U.S. Patent Number 6,151,643).

Claims 23 and 29 corresponds directly with Claim 7, and is rejected for the same reasons as Claim 7.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Britt, Jr. et al. (U.S. Patent Number 6,230,319)

Wyatt (U.S. Patent Number 6,041,411)

Dworkin (U.S. Patent Number 4,992,940)

Fujimoto (U.S. Patent Number 6,018,720)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Gross whose telephone number is (703) 305-0542. The examiner can normally be reached on Mon-Fri 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A Morse can be reached on (703) 308-4789. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

KAG
June 24, 2003

TUAN Q. DAM
PRIMARY EXAMINER